

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BANK OF AMERICA, N.A.,

No. C-13-0064 EMC

Plaintiff,

v.

**ORDER RE STIPULATION FOR
DISMISSAL WITHOUT PREJUDICE**

LEONARD DAVIS,

(Docket Nos. 15-16)

Defendant.

Previously, the Court issued an order to show cause directing Defendant to show cause as to why the case at bar is not moot and should not be remanded. The Court also ordered defense counsel to show cause as to (1) why she should not be sanctioned for her removal of a state court action that had already reached a final judgment and (2) why she should not be sanctioned for removing a case over which there does not appear to be subject matter jurisdiction. The response to the order to show cause was to be filed on May 1, 2013. *See* Docket No. 15 (order to show cause).

On April 30, 2013, Plaintiff and Defendant filed a stipulation for dismissal without prejudice. Under Federal Rule of Civil Procedure 41(a), a plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii). The stipulation operates automatically as a dismissal of the action.

///

///

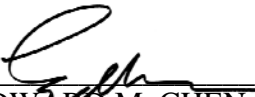
///

///

1 Accordingly, in light of the parties' stipulated dismissal, the Court hereby orders the Clerk of
2 the Court to close the file in this case. Furthermore, in light of the stipulation, the Court hereby
3 discharges the order to show cause.

4
5 IT IS SO ORDERED.

6
7 Dated: May 6, 2013

8
9 
10 EDWARD M. CHEN
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28